

STATE OF INDIANA) IN THE CLINTON SUPERIOR/CIRCUIT COURT
) SS:
COUNTY OF CLINTON) CAUSE NO.:

LORENA MARTINEZ,)
)
Plaintiff,) JURY TRIAL REQUESTED
)
v.)
)
WAL-MART STORES EAST, LP,)
)
Defendant.)

COMPLAINT FOR DAMAGES

Plaintiff, Lorena Martinez, by counsel, Matthew T. Kavanagh, for her Complaint for Damages against the Defendant, Wal-Mart Stores East, LP, respectfully shows the Court as follows:

Facts Common to All Counts

1. At all times relevant hereto, Plaintiff was a resident of the City of Frankfort, County of Clinton, State of Indiana.
2. At all times relevant herein, Defendant, Wal-Mart Stores East, LP, was a Delaware Limited Partnership registered in the State of Indiana.
3. At all times relevant herein, Defendant owned, maintained, and/or controlled a retail store under the name of Wal-Mart, a business located at 2460 East Wabash Street, in the City of Frankfort, County of Clinton, State of Indiana.
4. On or about August 30, 2018, Plaintiff was walking on the premises of the aforementioned Wal-Mart Store.
5. As Plaintiff was walking through the bakery department, she slipped on a pile of mashed potatoes that had been spilled on the floor.

6. No signs or other notices of the aforementioned spilled mashed potatoes, which was creating a dangerous condition, were prominently displayed.

7. At said time and place, Defendant, its employees, and/or agents knew or, by the exercise of reasonable care, should have known of the dangerous condition created by the spilled mashed potatoes.

8. Defendant failed to exercise reasonable care by inadequately protecting Plaintiff against the dangers created by the dangerous condition.

9. Defendant committed one or more of the following acts and/or omissions of negligence:

- a) Defendant failed to warn Plaintiff of the potential danger posed by the dangerous condition on its premises;
- b) Defendant failed to properly ensure the safety of its premises;
- c) Defendant failed to check and/or remediate the dangerous condition on its premises prior to allowing persons to enter its premises;
- d) Defendant failed to timely inspect, remediate, or repair the dangerous condition;
- e) Defendant failed to implement proper safety and/or maintenance procedures;
- f) Defendant violated applicable ordinances, codes, and state laws applicable to the maintenance of their stores; and
- g) Defendant failed to otherwise maintain its premises in a reasonably safe condition.

10. As a direct and proximate result of Defendant's negligence and breach of duties, Plaintiff sustained severe and recurring injuries which have caused her pain, suffering, and emotional distress.

11. As a direct and proximate result of Defendant's negligence, Plaintiff was required to seek medical treatment from various health care providers, has incurred medical expenses as a result thereof, and may incur medical expenses in the future.

WHEREFORE, Plaintiff, Lorena Martinez, by counsel, Matthew T. Kavanagh, prays for judgment against Defendant, Wal-Mart Stores East, LP, in an amount commensurate with her injuries and damages, for any and all pre-judgment interest calculated daily according to Statute, for the cost of this action, for trial by jury, and for all other relief just and proper in the premises.

Respectfully submitted,

SCHILLER LAW OFFICES, LLC

/s/ Matthew T. Kavanagh

Matthew T. Kavanagh

Attorney No. 34393-49

SCHILLER LAW OFFICES, LLC

210 E. Main Street

Carmel, IN 46032

Telephone: 317-578-2100

Facsimile: 317-578-1146

E-Mail: mkavanagh@schillerlawoffices.com

Attorney for the Plaintiff